

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER M. HERSH, SR.,

Plaintiff,

v.

**CHESTER COUNTY CLERK
OF COURTS, et al.,**

Defendants.

CIVIL ACTION NO. 21-2615

ORDER

AND NOW, this 3rd day of November 2021, upon consideration of Christopher M. Hersh, Sr.'s Motion to Proceed *In Forma Pauperis* [Doc. No. 1], Prisoner Trust Fund Account Statement [Doc. No. 3], *pro se* Complaint [Doc. No. 2], and Request for Appointment of Counsel [Doc. No. 4], it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Christopher M. Hersh, Sr., #11332-509, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of the Federal Detention Center in Philadelphia or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Hersh's inmate account; or (b) the average monthly balance in Hersh's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Hersh's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's

income credited to Hersh's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of the Federal Detention Center in Philadelphia.

4. The Complaint is **DEEMED** filed.

5. Hersh's Complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). Hersh's claims for declaratory and injunctive relief shall be **DENIED WITH PREJUDICE**. Hersh's claims for compensatory and punitive damages shall be **DISMISSED WITHOUT PREJUDICE**, but only to the extent that Hersh may file a new case asserting such claims if his underlying conviction is reversed, vacated, or otherwise invalidated.

6. Hersh's Request for Appointment of Counsel [Doc. No. 4] is **DISMISSED AS MOOT**.

7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ **Cynthia M. Rufe**

CYNTHIA M. RUGE, J.